



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 10, 2013

Paul Edelman
570 West Avenue 56
Los Angeles, CA 90065

**REGARDING: PROJECT NO. R2011-01574-(5)
OAK TREE PERMIT NO. 201100044
BROWN'S CANYON, OAT MOUNTAIN**

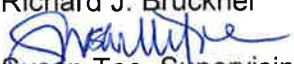
Hearing Officer Alex Garcia, by his action of **June 4, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **June 18, 2013. Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443, or by email at gsiemers@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Susan Tae, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement; Testifier (via email)

SMT:GS

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2011-01574-(5)
OAK TREE PERMIT NO. 201100044**

1. **ENTITLEMENT REQUESTED.** The applicant, Mountains Recreation Conservation Authority ("MRCA"), is requesting an Oak Tree Permit ("OTP") to authorize the encroachment within the protected zone of 30 oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-2-2 (Heavy Agricultural – 2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County ("County") Code.
2. **HEARING DATE:** June 4, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** Hearing Officer Alex Garcia presided. Staff presented the facts of the case and recommended approval of the project. One person testified in opposition of the project with concerns, including an alleged history of grading violations. After considering the testimony, the Hearing Officer closed the public hearing and approved the project with conditions, as provided by staff.
4. **PROJECT DESCRIPTION.** The project consists of the encroachment within the protected zones of 30 Coast Live Oaks, as prescribed by the Gopher Canyon Mitigation Plan, a phased creek and habitat restoration plan developed and implemented by the MRCA. The Mitigation Plan will occur in three phases, and includes approximately 12,000 cubic yards of grading, debris removal around the oak trees, wetland construction, native plant installation, and exotic plant species removal. To date, work has been done within the protected zone of trees no. 1, 2, 3, 4, 11 and 12; therefore the project includes the retroactive approval of these encroachments.
5. **LOCATION.** No Address. West of Brown's Canyon, Oat Mountain.
6. **Assessor Parcel Numbers:** 2821-008-901, 2821-019-904, 2821-019-905 , 2821-019-906, 2821-019-907, 2821-019-908, 2821-019-909
7. **EXISTING ZONING.** The subject property is zoned A-2-2, in the Chatsworth Zoned District. Surrounding properties are zoned as follows:
 - North: A-2-2
 - South: R-1-6,000 (Single-Family Residential—6,000 Square Foot Minimum Required Lot Area)
 - East: City of Los Angeles OS (Open Space) and RE (Residential Estate) Zones

West: A-2-2

8. **EXISTING LAND USES.** The subject properties are undeveloped except for trails, horse staging areas, and an engineered wetland. Surrounding properties are developed as follows:
- North: Open space
 - South: Open space, graded vacant land
 - East: Horse ranches, open space, single-family residences
 - West: Open space
9. **PREVIOUS CASES/ZONING HISTORY.** Zone Change Ordinance 3565 was adopted on July 1, 1958, creating the Chatsworth Zoned District and zoning designating the property with A-2-2 zoning. The MRCA was notified of the requirement to obtain the OTP mid-project, via Regional Planning Notices of Violation Nos. 10-0013382 and 10-0013386, dated June 1 and June 3, 2010, respectively. At that time, restoration work ceased in the protected zones of the existing native Coast Live Oaks.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Open Space ("O") Category of the Los Angeles County General Plan ("General Plan"). The O land use designation is intended for conservation areas, and active and passive recreational uses. The existing recreation area is consistent with the permitted uses of the O Category, and is therefore consistent with the land use policy map of the General Plan.

The following policy of the General Plan is applicable to the project:

- Conservation and Open Space Element, Policy No. 22: Protect significant ecological areas and marine habitats, and maintain hillside areas, water courses, flood plains and ecological area buffer zones in open space and low-intensity non-urban uses.

The oak tree encroachments, as well as the greater restoration project, is fully compatible with the surrounding environment. In addition, the development does not require any public costs for services and is safe from hazards. The oak trees are a valuable resource in the County, and will not be removed or otherwise harmed through this project. Furthermore, conditions will be added to the project to ensure protection of the affected trees.

- Land Use Element Policy, Policy No. 30: Promote improved inter-jurisdictional coordination of land use policy matters between the County,

cities, adjacent counties, special districts, and regional and sub-regional agencies.

The subject OTP represents the coordinated effort of multiple agencies to improve the natural environment. The project's proponent, MRCA, is a Joint Powers Authority that works in cooperation with the Santa Monica Mountains Conservancy (SMMC). SMMC is a State agency that preserves and enhances wildlife and recreational opportunities. The project is utilizing State CalTrans funds to provide improvements in a regionally accessible park.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project is subject to the standards applicable to the discretionary OTP procedure, which are established in Part 16 of Chapter 22.56 of the County Code. This procedure recognizes oak trees as significant historical, aesthetic, and ecological resources, and preserves the character of the communities in which oak trees exist. The OTP procedure creates favorable conditions for the preservation and propagation of this unique, threatened plant heritage, particularly those trees which may be classified as heritage oak trees, for the benefit of current and future residents of Los Angeles County. It is the intent of the OTP to maintain and enhance the general health, safety and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage. The OTP is also intended to preserve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of many areas of Los Angeles County in which oak trees are indigenous. The stated objective of the OTP is to preserve and maintain healthy oak trees in the development process. Pursuant to the OTP process, a public hearing is required for the encroachment of the subject 30 oak trees.

In addition, the site is otherwise regulated by the standards of the A-2-2 Zone. The agricultural zones are established to permit a comprehensive range of agricultural use in areas particularly suited for agricultural activities. Permitted uses are intended to encourage agricultural pursuits and such other uses required for, or desired by, the inhabitants of the community. An area so zoned may provide the land necessary to permit low-density single-family residential development, and outdoor recreational and needed public and institutional facilities. The A-2-2 Zone specifically allows for "parks, playgrounds and beaches, with all appurtenant facilities customarily found in conjunction therewith," as well as, "campgrounds, picnic areas, trails with overnight camping facilities, including fishermen's and hunters' camps, but not including structures for permanent human occupancy." The subject property, a regional park, is consistent with both aforementioned uses.

The County Code also establishes procedures for development within SEAs in order to protect resources contained in SEAs and in hillside management areas, as delineated in the County General Plan. Section 22.56.215 of the County Code provides an additional level of review and analysis of potential impacts to biological resources. The procedure is not intended to preclude development within these areas but to ensure, to the extent possible, that such development maintains, and where possible enhances, the remaining biotic resources of the significant ecological areas, and the natural topography, resources, and amenities of the hillside management areas, while allowing for limited controlled development therein.

However, the subject OTP and associated repair and enhancement of the natural environment as planned in the MRCA's Gopher Canyon Mitigation Plan, is not subject to an SEA analysis. The SEA procedure specifically applies in advance of obtaining a building permit, grading permit, or where any construction or enlargement of any building or structure will occur. The Gopher Canyon Mitigation Plan does not propose any structures; the grading associated with the project has been authorized through the SMMC (a State agency)'s sovereign immunity from local regulations. Therefore, the MRCA will not seek a grading permit; thus not prompting an SEA analysis. Notwithstanding, the Gopher Canyon Mitigation Plan is intended to restore the natural topography and watercourses that existed prior to the human disturbance of the area due to the historical use of the land as a rock quarry and is consistent with the intent of the SEA ordinance for resource protection.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project is appropriate for the site and area. None of the oak trees on the site have been or will be removed, and thus the impact on the area will be minimal. The impact to the oak trees has been limited to the encroachment within the protected zone of the oak trees for excavation and removal of debris, in order to preserve the health of the trees and enhance the natural environment. Therefore, the existing project is not, and will not be, a detriment to the surrounding community.
13. **OAK TREE REPORT.** The applicant submitted an Oak Tree Report prepared by a licensed Arborist. The report was reviewed and deemed accurate and complete.
14. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Forester and Fire Warden reviewed the permit application and Oak Tree Report and cleared the project for hearing, with recommended conditions.

15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by newspaper.
16. **PUBLIC COMMENTS.** No written comments from the public have been received. One phone call from a concerned property owner was received.

OAK TREE PERMIT-SPECIFIC FINDINGS

17. The information submitted by the applicant, brought to attention during the public hearing, and reported by the County Forester and Fire Warden substantiates the Burden of Proof, as follows:
 - a. The project is an OTP for the encroachment upon 30 trees for the restoration of a natural area. The intent of the Mitigation Plan is to improve the long-term health of the trees and enhance the natural environment. No oak trees have been or will be removed or relocated on the property, and any future construction will be accomplished without endangering the health of the remaining trees on the subject property.
 - b. A goal of the Mitigation Plan is to restore the water course of Brown's Creek into its natural course, as it had been diverted historically onto the adjacent road due to the remnants from the previous use of the area as a rock quarry. The encroachment upon the oak trees to remove the debris within the creek will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated, as the MRCA is exercising best practices in erosion control.
 - c. In the case of trees no. 1, 2, 3, 4, 11 and 12, the encroachments were necessary to remove the debris that was placed within the protected zones of those trees and restore the natural grade. The encroachments are not permanent and there will be no structures within the protected zones of any of the subject oaks. The Mitigation Plan calls for the restoration of natural grade and habitat to improve the long-term viability of the oak trees. The encroachment upon the oak trees is necessary because the trees' location frustrates the use of the subject property, such that eliminating the encroachments precludes the reasonable and efficient use of the property for a use otherwise authorized. Specifically, the use of the land is a restored natural wildlife parkland, and the existence of debris and broken culverts which may further damage the natural area, is in conflict with the Mitigation Plan.

- d. The damage to, or encroachment upon, the oak trees is not contrary to or in substantial conflict with the intent and purpose of the OTP procedure. The Mitigation Plan and the encroachments called for therein are directly supportive of the OTP procedure. The protected zones of the oak trees were and will be encroached upon in order to improve the health and long-term viability of the trees, and no removals or relocations were made or are proposed.
18. **ENVIRONMENTAL DETERMINATION.** The MCRA, as the lead agency for this project, has filed a Notice of Exemption with the State Clearinghouse. The project qualifies for a Class 4 Categorical Exemption, pursuant to Public Resources Code Section 15304. The Hearing Officer concurs with the MRCA's determination as it is consistent with the County environmental guidelines.
19. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. No oak trees will be removed or relocated for the approval of the OTP.
- B. That the information submitted by the applicant and presented at the public hearing substantiates the required finding for an OTP as set forth in Part 16 of Chapter 22.56 of the County Code (Zoning Ordinance), as follows:
 - a. Any future construction will be accomplished without endangering the health of the remaining trees subject to this Part 16, if any, on the subject property; and
 - b. The Oak Tree Permit will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
 - c. Relocation of the driveways precludes the reasonable and efficient use of such property for a use otherwise authorized; and
 - d. The encroachments are not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.

HEARING OFFICER ACTION:

1. In view of the findings of fact and conclusions presented above, OTP No. 201100012 is approved subject to the attached conditions.

SMT:GS
6/10/2013

c: Zoning Enforcement; Forester and Fire Warden

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2011-01574-(5)
OAK TREE PERMIT NO. 201100044**

Project Description. The project proposes the encroachment within the protected zone of 30 oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-2-2 (Heavy Agricultural – 2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County ("County") Code. To date, work has been done within the protected zone of trees no. 1, 2, 3, 4, 11 and 12; therefore the project includes the retroactive approval of these encroachments.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the property involved (if other than the permittee) have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to the attached County Forester and Fire Warden's ("Forester") letter dated March 6, 2012. Notwithstanding the foregoing, this Condition No. 2 and Conditions Nos. 4, 5, and 9 shall be effective immediately upon the date of approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel.

If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents will be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within two (2) years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all enforcement efforts necessary to bring the subject property into compliance. The amount charged for inspections shall be \$200.00 per inspection, or the current recovery cost at the time any inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13, of the County Code.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the plans are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

OAK TREE PERMIT-SPECIFIC CONDITIONS

17. This grant authorizes the encroachment within the protected zone of 30 oak trees (*Quercus agrifolia*, commonly known as Coast Live Oak Trees), with no removal of oak trees, in the A-2-2 (Heavy Agricultural – 2 Acre Minimum Required Lot Area) Zone pursuant to Part 16 of Chapter 22.56 of the Los Angeles County ("County") Code.

18. The permittee shall comply with all conditions and requirements contained in the County Forester letter dated March 6, 2012 to the satisfaction of said Division, except as otherwise required by said Division.
19. All replacement trees, if required, shall be planted on native undisturbed soil. The first two irrigations or watering of planted trees shall incorporate the addition of a mycorrhizae product (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting trees.

Attachment: County Forester's Letter dated **March 6, 2012**.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

March 6, 2012

Susan Tae, Supervising Regional Planner
Department of Regional Planning
Zoning Permits North Section
320 West Temple Street
Los Angeles, CA 90012

Dear Ms. Tae:

OAK TREE PERMIT NUMBER 2011-00044
PROJECT NUMBER R2011-01574-(5)
GOPHER CANYON, CHATSWORTH

We have reviewed the "Request for Oak Tree Permit #2011-00044." The project is located at Gopher Canyon, north of the Ronald Reagan (State Highway 118) freeway in the unincorporated area of Chatsworth. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Jan Scow, the consulting arborist, dated July 28, 2011.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$300. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
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CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDALE
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRVINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
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LAWNDALE
LOMITA
LYNWOOD

MALIBU
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NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and two (2) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan, and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan, and conditions of approval.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of thirty (30) trees of the Oak genus identified as Tree Numbers 401-430 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines

are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed. This permit also allows the clearance pruning for access that may exceed two-inches in diameter.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for any tree specified above that dies as a result of the approved encroachments.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus agrifolia, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



MICHAEL Y. TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:jl

Enclosure